

## House Amendments to Senate Bill No. 2817

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

5           **SECTION 1.** Section 99-37-25, Mississippi Code of 1972, is  
6 amended as follows:  
7           99-37-25. (1) (a) When a person is brought into a doctor's  
8 office, a hospital or a medical clinic in this state by a law  
9 enforcement agency as the victim of an alleged rape or sexual  
10 assault, or comes into a doctor's office, a hospital or a medical  
11 clinic in the state alleging rape or sexual assault against the  
12 person which results in a criminal investigation, the bill for  
13 the \* \* \* medical forensic examination and the preparation of the  
14 sexual assault evidence collection kit will be sent to the  
15 Division of Victim Compensation, Office of the Attorney General.  
16 The Division of Victim Compensation shall pay for the \* \* \*  
17 medical examination conducted for the procurement of evidence to  
18 aid in the investigation and prosecution of the alleged offense.  
19 Such payment shall be limited to the customary and usual hospital  
20 and physician charges for such services in the area. Such payment  
21 shall be made by the Division of Victim Compensation directly to  
22 the health care provider. No bill for the \* \* \* examination will  
23 be submitted to the victim, nor shall the medical facility hold  
24 the victim responsible for payment. However, if the victim  
25 refuses to cooperate with the investigation or prosecution of the  
26 case, the Division of Victim Compensation may seek reimbursement  
27 from the victim. The victim may be billed for any further medical  
28 services not required for the investigation and prosecution of the  
29 alleged offense. In cases where the damage caused by the  
30 alleged \* \* \* sexual assault requires medical treatment or

31 diagnosis in addition to the \* \* \* examination, the patient will  
32 be given information about the availability of victim compensation  
33 and the procedure for applying for such compensation.

34 (b) Upon application submitted by the district  
35 attorney, provided the proper warrant or court order has been  
36 issued, the county in which an offense of sexual assault or of  
37 felonious abuse or battery of a child as described in Section  
38 97-5-39, touching or handling a child for lustful purposes as  
39 described in Section 97-5-23, exploitation of children as  
40 described in Section 97-5-33 or sexual battery as described in  
41 Section 97-3-95, or an attempt to commit such offense has occurred  
42 shall pay for a medical forensic examination of the person  
43 arrested, charged or convicted of such offense to determine if the  
44 person so arrested, charged or convicted has any sexually  
45 transmitted disease and for the collection of evidence. Such  
46 payment shall be made by the county directly to the health care  
47 provider or other service performing the collection of evidence  
48 and tests. The results of such test shall be made available to  
49 the victim or, if the victim is a child, to the guardian of the  
50 victim.

51 (2) Any defendant who is convicted of, or pleads guilty or  
52 nolo contendere to, an offense in violation of rape, felonious  
53 abuse or battery of a child as described in Section 97-5-39,  
54 touching or handling a child for lustful purposes as described in  
55 Section 97-5-23, exploitation of children as described in Section  
56 97-5-33 or sexual battery as described in Section 97-3-95, or an  
57 attempt to commit any such offense, shall be ordered by the court  
58 to make restitution to the Division of Victim Compensation in an  
59 amount equal to the compensation paid by the Division of Victim  
60 Compensation to the victim or medical provider for the \* \* \*  
61 medical forensic examination and to the county for tests for  
62 sexually transmitted diseases. Such restitution shall be in  
63 addition to any restitution which the court orders the defendant  
64 to pay the victim under the provisions of Chapter 37 of Title 99,  
65 (Sections 99-37-1 through 99-37-21), Mississippi Code of 1972.

66           (3) The Division of Victim Compensation is hereby  
67 authorized, in its discretion, to make application for and comply  
68 with such requirements as may be necessary to qualify for any  
69 federal funds as may be \* \* \* available \* \* \* as a result of  
70 services rendered to crime victims under the provisions of this  
71 section.

72           **SECTION 2.** This act shall take effect and be in force from  
73 and after July 1, 2005.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 99-37-25, MISSISSIPPI CODE OF 1972,  
2 TO REVISE RAPE KIT PAYMENT RESPONSIBILITY; AND FOR RELATED  
3 PURPOSES.

HR07\SB2817A.J

Don Richardson  
Clerk of the House of Representatives